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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,952	01/10/2000	CHARLES I. COOK	USW#1677	3729

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QWEST COMMUNICATIONS INTERNATIONAL INC
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EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 10/01/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/479,952

Applicant(s)

COOK ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-18 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-18 and 20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-8, 10-13, 15-18, 20-22, 25-27, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy, III et al.

Regarding to claims 1 and 15, Kennedy discloses a system 10 (Fig. 1) for generating real-time announcements in a digital packet-based telecommunications network wherein data is transferred from a source to a destination in packets for receipt by the destination, and wherein the packets include a header containing address and sequencing information (Fig. 11), the system comprising an announcement server 38 for sensing a predetermined trigger event and for inserting a priority indicator into the header of a packetized announcement (service message) indicating high priority for the

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packetized announcement (Fig. 12 col. 26 lines 32-65); a packet-based network 20 in communication with the announcement server for transmitting the packetized announcement with the data for receipt by the destination upon the predetermined trigger event being sensed (Fig. 1 col. 3 lines 54-57); and a processing device 14 in communication with the packet-based network for receiving and processing the packetized announcement immediately for receipt by the destination in real-time (Fig. 12 col. 27 lines 17-33).

Regarding to claims 2 and 16, Kennedy discloses suspending processing of the data until the packetized announcement has been processed (col. 26 lines 8-18).

Regarding to claims 3 and 17, Kennedy discloses merging the packetized announcement with the data (col. 26 lines 19-29).

Regarding to claims 4 and 18, Kennedy discloses dropping the data and transmitting only the packetized announcement (col. 12 lines 5-27).

Regarding to claims 6 and 20, Kennedy discloses sensing a predetermined amount of time (col. 7 lines 7-13).

Regarding to claims 7 and 21, Kennedy discloses generating an announcement identifying an amount of time elapsed (col. 12 lines 28-35).

Regarding to claims 8, 10, 22, and 24, Kennedy discloses the announcement is an audible announcement (col. 26 lines 55-65).

Regarding to claims 11-13 and 25-27, Kennedy discloses the announcement is a visual, graphical, or textual announcement (col. 13 lines 51-67 and col. 14 lines 1-10).

Regarding claim 30, Kennedy discloses the processing device is a component of a wireless network (Fig. 1 col. 3 lines 54-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 14, 23, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy.

Regarding to claims 9 and 23, Kennedy discloses all the limitation with respect to claims 8 and 22, except for the announcement is a pre-recorded voice announcement. However, to include the announcement is a pre-recorded voice announcement would have been obvious to one of ordinary skilled for interactive voice response exchanges.

Regarding to claims 14 and 28, Kennedy discloses all the limitation with respect to claims 1 and 15, except for the announcement is a vibratory announcement. However, to include the announcement as a vibratory one would have been obvious to one of skilled in the art for alarming of incoming message.

Regarding to claim 29, Kennedy discloses all the limitation with respect to claims 1 and 15, except for the processing device is a wireless handset. However, to arrange the processing device as a wireless handset would have been obvious to one of ordinary skilled in the art for mobility to cover greater area of network service.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DD


CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600